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**KEN BENNETT
SECRETARY OF STATE**

State of Arizona
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CHAPTER 149

SENATE BILL 1074

AN ACT

AMENDING SECTIONS 15-424, 15-493, 15-1442, 16-168, 16-201, 16-204, 16-206, 16-245, 16-312, 16-461, 16-510, 16-542, 16-558.01, 16-602 AND 19-201, ARIZONA REVISED STATUTES; RELATING TO ELECTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 15-424, Arizona Revised Statutes, is amended to
3 read:

4 15-424. Election of governing board members; terms; statement
5 of contributions and expenditures

6 A. A regular election shall be held for each school district at the
7 time and place, and in the manner, of general elections as provided in title
8 16.

9 B. Except as provided in subsection C of this section and sections
10 15-429 and 15-430, the term of office for each member shall be four years
11 from January 1 next following ~~his~~ THE MEMBER'S election.

12 C. At the first general election held for a newly formed district,
13 three members shall be elected. The candidate receiving the highest number
14 of votes shall be elected to a four year term, and the candidates having the
15 second and third highest number of votes shall be elected to two year terms.
16 A district increasing its governing board to five members shall ELECT at the
17 next general election ~~elect~~ members in the following manner:

18 1. If one of the previous three offices is to be filled, the three
19 candidates receiving the highest, the second highest and the third highest
20 number of votes shall be elected to four year terms.

21 2. If two of the previous three offices are to be filled, the
22 candidates receiving the highest, the second highest and the third highest
23 number of votes shall be elected to four year terms. The candidate receiving
24 the fourth highest number of votes shall be elected to a two year term.
25 Thereafter all such offices shall have four year terms.

26 D. If only one person files or no person files a nominating petition
27 or nomination paper for a write-in candidate for an election to fill a
28 district office, the board of supervisors no earlier than seventy-five days
29 before the election may cancel the election for the position and appoint the
30 person who filed the nominating petition OR NOMINATION PAPER to fill the
31 position. If no person files a nominating petition OR NOMINATION PAPER for
32 an election to fill a district office, the board of supervisors no earlier
33 than seventy-five days before the election may cancel the election for that
34 office and that office is deemed vacant and shall be filled as provided in
35 section 15-302. A person who is appointed pursuant to this subsection is
36 fully vested with the powers and duties of the office as if elected to that
37 office.

38 E. If two or more candidates receive an equal number of votes for the
39 same office, and a higher number than any other candidate for that office,
40 whether upon the tally by the school election board or canvass of returns by
41 the board of supervisors, or upon recount by a court, the officer or board
42 whose duty it is to declare the result shall determine by lot and in the
43 presence of the candidates which candidate shall be declared elected.

1 F. Position of the names of candidates for each office shall be
2 rotated so that each candidate occupies each position on the ballot an equal
3 number of times, insofar as is possible, for each ballot style. For
4 candidates seeking election to fill a vacancy on the governing board, the
5 ballot shall be designated as provided in section 16-502.

6 G. This section does not require that a school election at which no
7 member is to be elected be held on a general election day.

8 H. All candidates for the office of school district governing board
9 member shall file with the county school superintendent a statement of
10 contributions and expenditures as provided in section 16-913.

11 Sec. 2. Section 15-493, Arizona Revised Statutes, is amended to read:

12 15-493. Canvass of votes; certification of result

13 The official returns shall be delivered to the county board of
14 supervisors or the appropriate county elections officer. Within ~~fourteen~~
15 THIRTY days ~~of~~ AFTER the election, the county board of supervisors or the
16 county elections officer shall canvass the results of the election and shall
17 file duplicate copies of the certificate of the result of the election with
18 the clerk of the board of supervisors and with the governing board of the
19 school district.

20 Sec. 3. Section 15-1442, Arizona Revised Statutes, is amended to read:

21 15-1442. Nominating petitions; election; returns; results;
22 certificate of election; statement of contributions
23 and expenditures

24 A. Candidates for the district board must file nominating petitions,
25 conforming to ~~the provisions set forth in~~ section 16-314, with the
26 appropriate county officer.

27 B. Members of the district board shall be elected at the time and
28 place, and in the manner, of general elections as provided in title 16.

29 C. IF ONLY ONE PERSON FILES OR NO PERSON FILES A NOMINATING PETITION
30 OR NOMINATION PAPER FOR A WRITE-IN CANDIDATE FOR AN ELECTION TO FILL A
31 COMMUNITY COLLEGE BOARD OFFICE, THE COUNTY SCHOOL SUPERINTENDENT NO EARLIER
32 THAN SEVENTY-FIVE DAYS BEFORE THE ELECTION MAY CANCEL THE ELECTION FOR THE
33 POSITION AND APPOINT THE PERSON WHO FILED THE NOMINATING PETITION OR
34 NOMINATION PAPER TO FILL THE POSITION. IF NO PERSON FILES A NOMINATING
35 PETITION OR NOMINATION PAPER FOR AN ELECTION TO FILL A COMMUNITY COLLEGE
36 BOARD OFFICE, THE COUNTY BOARD OF SUPERVISORS NO EARLIER THAN SEVENTY-FIVE
37 DAYS BEFORE THE ELECTION MAY CANCEL THE ELECTION FOR THAT OFFICE AND THAT
38 OFFICE IS DEEMED VACANT AND SHALL BE FILLED AS PROVIDED IN SECTION 15-1441.
39 A PERSON WHO IS APPOINTED PURSUANT TO THIS SUBSECTION IS FULLY VESTED WITH
40 THE POWERS AND DUTIES OF THE OFFICE AS IF ELECTED TO THAT OFFICE.

41 ~~E.~~ D. The county school superintendent and the chairman of the board
42 of supervisors shall meet on the seventh day following the election to
43 canvass the returns in accordance with procedures for the canvass of returns
44 in a general election. The county school superintendent shall declare the
45 results of the election, declare elected the person receiving the highest

1 number of votes for each office to be filled and issue to him THAT PERSON a
2 certificate of election.

3 ~~D.~~ E. All candidates for the office of community college district
4 governing board member shall file with the clerk of the board of supervisors
5 a statement of contributions and expenditures as provided in section 16-913.

6 Sec. 4. Section 16-168, Arizona Revised Statutes, is amended to read:

7 16-168. Precinct registers; date of preparation; contents;
8 copies; reports; statewide database; violation;
9 classification

10 A. By the tenth day preceding the primary and general elections the
11 county recorder shall prepare from the original registration forms or from
12 electronic media at least four lists that are printed or typed on paper of
13 all qualified electors in each precinct in the county, and the lists shall be
14 the official precinct registers.

15 B. The official precinct registers for use at the polling place shall
16 contain at least the names in full, party preference, date of registration
17 and residence address of each qualified elector in the respective
18 precincts. The names shall be in alphabetical order and, in a column to the
19 left of the names, shall be numbered consecutively beginning with number 1 in
20 each precinct register.

21 C. For the purposes of transmitting voter registration information as
22 prescribed by this subsection, electronic media in counties with a population
23 over five hundred thousand persons in the last decennial census shall be the
24 principal media. A county or state chairman who is eligible to receive
25 copies of precinct lists as prescribed by this subsection may request that
26 the recorder provide a paper copy of the precinct lists. The county
27 recorder, in addition to preparing the official precinct lists, shall provide
28 a means for mechanically or electronically reproducing the precinct lists and
29 unless otherwise agreed shall deliver within eight days after the close of
30 registration for the primary and general elections, without charge, on the
31 same day one electronic media copy of each precinct list within the county to
32 the county chairman and one electronic media copy to the state chairman of
33 each party that has at least four candidates other than presidential electors
34 appearing on the ballot in that county at the current election. The county
35 recorder shall also deliver, on request and without charge, one electronic
36 media copy of the precinct list to the Arizona legislative council. The
37 county recorder of a county with a population of five hundred thousand or
38 fewer persons, on the same day precinct lists are delivered to county
39 chairmen, shall deliver one electronic media copy of each precinct list
40 within the county to the state chairman of each party that has at least four
41 candidates other than presidential electors appearing on the ballot in this
42 state at the current election. THE SECRETARY OF STATE SHALL PRESCRIBE THE
43 MANNER, FORMAT AND TEMPLATE IN WHICH ALL COUNTY RECORDERS PROVIDE THIS DATA
44 TO THE SECRETARY OF STATE TO ENSURE THAT THE SUBMISSIONS ARE UNIFORM FROM ALL

COUNTIES IN THIS STATE. The copies of the precinct lists shall be electronic media and shall include for each elector the following information:

1. Name in full and appropriate title.
2. Party preference.
3. Date of registration.
4. Residence address.
5. Mailing address, if different from residence address.
6. Zip code.
7. Telephone number if given.
8. Birth year.
9. Occupation if given.
10. Voting history for all elections in the prior four years and any other information regarding registered voters that the county recorder or city or town clerk maintains electronically and that is public information.
11. ALL DATA RELATING TO PERMANENT EARLY VOTERS AND NONPERMANENT EARLY VOTERS, INCLUDING BALLOT REQUESTS AND BALLOT RETURNS.

D. The names on the precinct lists shall be in alphabetical order and the precinct lists in their entirety, unless otherwise agreed, shall be delivered to each county chairman and each state chairman within ten business days of the close of each date for counting registered voters prescribed by subsection G of this section other than the primary and general election registered voter counts in the same format and media as prescribed by subsection C of this section. During the thirty-three days immediately preceding an election and on request from a county or state chairman, the county recorder shall provide AT NO COST a daily list of persons who have requested an early ballot and shall provide AT NO COST a weekly listing of persons who have returned their early ballots. The recorder shall provide the daily and weekly information through the ~~third day~~ FRIDAY preceding the election. ON REQUEST FROM A COUNTY CHAIRMAN OR STATE CHAIRMAN, THE COUNTY RECORDER OF A COUNTY WITH A POPULATION OF MORE THAN EIGHT HUNDRED THOUSAND PERSONS SHALL PROVIDE AT NO COST A DAILY LISTING OF PERSONS WHO HAVE RETURNED THEIR EARLY BALLOTS. THE DAILY LISTING SHALL BE PROVIDED MONDAYS THROUGH FRIDAYS, BEGINNING WITH THE FIRST MONDAY FOLLOWING THE START OF EARLY VOTING AND ENDING ON THE MONDAY BEFORE THE ELECTION.

E. Precinct registers and other lists and information derived from registration forms may be used only for purposes relating to a political or political party activity, a political campaign or an election, for revising election district boundaries or for any other purpose specifically authorized by law and may not be used for a commercial purpose as defined in section 39-121.03. The sale of registers, lists and information derived from registration forms to a candidate or a registered political committee for a use specifically authorized by this subsection does not constitute use for a commercial purpose. The county recorder, on a request for an authorized use and within thirty days from receipt of the request, shall prepare additional copies of an official precinct list and furnish them to any person requesting

1 them on payment of a fee equal to five cents for each name appearing on the
2 register for a printed list and one cent for each name for an electronic data
3 medium, plus the cost of the blank computer disk or computer software if
4 furnished by the recorder, for each copy so furnished.

5 F. Any person in possession of a precinct register or list, in whole
6 or part, or any reproduction of a precinct register or list, shall not permit
7 the register or list to be used, bought, sold or otherwise transferred for
8 any purpose except for uses otherwise authorized by this section. A person
9 in possession of information derived from voter registration forms or
10 precinct registers shall not distribute, post or otherwise provide access to
11 any portion of that information through the internet except as authorized by
12 subsection I- J of this section. Nothing in this section shall preclude
13 public inspection of voter registration records at the office of the county
14 recorder for the purposes prescribed by this section, except that the month
15 and day of birth date, the social security number or any portion thereof, the
16 driver license number or nonoperating identification license number, the
17 Indian census number, the father's name or mother's maiden name, the state or
18 country of birth and the records containing a voter's signature shall not be
19 accessible or reproduced by any person other than the voter, by an authorized
20 government official in the scope of the official's duties, for signature
21 verification on petitions and candidate filings, for election purposes and
22 for news gathering purposes by a person engaged in newspaper, radio,
23 television or reportorial work, or connected with or employed by a newspaper,
24 radio or television station or pursuant to a court order. A person who
25 violates this subsection or subsection E of this section is guilty of a class
26 6 felony.

27 G. The county recorder shall count the registered voters by political
28 party by precinct, legislative district and congressional district as
29 follows:

30 1. In even numbered years, the county recorder shall count all persons
31 who are registered to vote as of:

32 (a) January 1.

33 (b) March 1.

34 (c) June 1.

35 (d) The last day on which a person may register to be eligible to vote
36 in the next primary election.

37 (e) The last day on which a person may register to be eligible to vote
38 in the next general election.

39 (f) The last day on which a person may register to be eligible to vote
40 in the next presidential preference election.

41 2. In odd numbered years, the county recorder shall count all persons
42 who are registered to vote as of:

43 (a) January 1.

44 (b) April 1.

45 (c) July 1.

1 (d) October 1.

2 H. The county recorder shall report the totals to the secretary of
3 state as soon as is practicable following each of the dates prescribed in
4 subsection G of this section. The report shall include completed
5 registration forms returned in accordance with section 16-134, subsection B.
6 The county recorder shall also provide the report in a uniform electronic
7 computer media format that shall be agreed upon between the secretary of
8 state and all county recorders. The secretary of state shall then prepare a
9 summary report for the state and shall maintain that report as a permanent
10 record.

11 I. The county recorder and the secretary of state shall protect access
12 to voter registration information in an auditable format and method specified
13 in the secretary of state's electronic voting system instructions and
14 procedures manual that is adopted pursuant to section 16-452.

15 J. The secretary of state shall develop and administer a statewide
16 database of voter registration information that contains the name and
17 registration information of every registered voter in this state. The
18 database shall include an identifier that is unique for each individual
19 voter. The database shall provide for access by voter registration officials
20 and shall allow expedited entry of voter registration information after it is
21 received by county recorders. As a part of the statewide voter registration
22 database, county recorders shall provide for the electronic transmittal of
23 that information to the secretary of state on a daily basis. The secretary
24 of state shall provide for maintenance of the database, including provisions
25 regarding removal of ineligible voters that are consistent with the national
26 voter registration act of 1993 (P.L. 103-31; 107 Stat. 77; 42 United States
27 Code section 394) and the help America vote act of 2002 (P.L. 107-252; 116
28 Stat. 1666; 42 United States Code sections 15301 through 15545), provisions
29 regarding removal of duplicate registrations and provisions to ensure that
30 eligible voters are not removed in error.

31 K. Except as provided in subsection L of this section, for requests
32 for the use of registration forms and access to information as provided in
33 subsections E and F of this section, the county recorder shall receive and
34 respond to requests regarding federal, state and county elections.

35 L. Beginning January 1, 2008, recognized political parties shall
36 request precinct lists and access to information as provided in subsections E
37 and F of this section during the time periods prescribed in subsection C or D
38 of this section and the county recorder shall receive and respond to those
39 requests. If the county recorder does not provide the requested materials
40 within the applicable time prescribed for the county recorder pursuant to
41 subsection C or D of this section, a recognized political party may request
42 that the secretary of state provide precinct lists and access to information
43 as provided in subsections E and F of this section for federal, state and
44 county elections. The secretary of state shall not provide access to
45 precinct lists and information for recognized political parties unless the

1 county recorder has failed or refused to provide the lists and materials as
2 prescribed by this section. The secretary of state may charge the county
3 recorder a fee determined by rule for each name or record produced.

4 M. For municipal registration information in those municipalities in
5 which the county administers the municipal elections, county and state party
6 chairmen shall request and obtain voter registration information and precinct
7 lists from the city or town clerk during the time periods prescribed in
8 subsection C or D of this section. If the city or town clerk does not
9 provide that information within the same time prescribed for county recorders
10 pursuant to subsection C or D of this section, the county or state party
11 chairman may request and obtain the information from the county recorder.
12 The county recorder shall provide the municipal voter registration and
13 precinct lists within the time prescribed in subsection C or D of this
14 section.

15 N. THE COUNTY RECORDERS AND THE SECRETARY OF STATE SHALL NOT PROHIBIT
16 ANY PERSON OR ENTITY PRESCRIBED IN SUBSECTION C OF THIS SECTION FROM
17 DISTRIBUTING A PRECINCT LIST TO ANY PERSON OR ENTITY THAT IS DEEMED TO BE
18 USING THE PRECINCT LIST IN A LAWFUL MANNER AS PRESCRIBED IN SUBSECTIONS E AND
19 F OF THIS SECTION.

20 Sec. 5. Section 16-201, Arizona Revised Statutes, is amended to read:

21 16-201. Primary elections

22 On the ~~ninth~~ TENTH Tuesday prior to a general or special election at
23 which candidates for public office are to be elected, a primary election
24 shall be held.

25 Sec. 6. Section 16-204, Arizona Revised Statutes, is amended to read:

26 16-204. Declaration of statewide concern; consolidated election
27 dates

28 A. While the legislature recognizes that the method of conducting
29 elections by political subdivisions, including charter counties and cities,
30 may be a matter of local concern, the legislature finds and determines that
31 for the purposes of increasing voter participation and for decreasing the
32 costs to the taxpayers it is a matter of statewide concern that all elections
33 in this state be conducted on a limited number of days and, therefore, the
34 legislature finds and declares that the holding of all elections on certain
35 specific consolidated days is a matter of statewide concern.

36 B. Notwithstanding any other law or any charter or ordinance of any
37 county, city or town to the contrary, an election held for or on behalf of a
38 county, city or town, a school district, a community college district or
39 special districts organized pursuant to title 48, chapters 5, 6, 8, 10, 13
40 through 16 and 33 may only be held on the following dates:

41 1. Except for regular elections for candidates in a city or town with
42 a population of one hundred seventy-five thousand or more persons, all
43 elections, including recall elections and special elections to fill
44 vacancies, shall be held on:

45 (a) The second Tuesday in March.

1 (b) The third Tuesday in May.
2 (c) The ~~ninth~~ TENTH Tuesday before the first Tuesday after the first
3 Monday in November.
4 (d) The first Tuesday after the first Monday in November.
5 Notwithstanding any other law, an election must be held on this date for the
6 approval of an obligation or other authorization requiring or authorizing the
7 assessment of secondary property taxes by a county, city, town, school
8 district, community college district or special taxing district, except as
9 provided by title 48.
10 2. For regular elections that are only for candidates in a city or
11 town with a population of one hundred seventy-five thousand or more persons
12 and not including recall elections and special elections to fill vacancies in
13 those cities or towns, elections shall be held on:
14 (a) The ~~ninth~~ TENTH Tuesday before the first Tuesday after the first
15 Monday in November.
16 (b) The first Tuesday after the first Monday in November.
17 C. For any city or town, including a charter city, that holds its
18 regularly scheduled candidate elections in even-numbered years pursuant to
19 subsection B, paragraph 2, the term of office for a member of the city
20 council or for the office of mayor begins on or after the second Tuesday in
21 January in the year following the election.
22 D. This section does not apply to an election regarding a county or
23 city charter committee or county or city charter proposal that is conducted
24 pursuant to article XIII, section 2 or 3 or article XII, section 5,
25 Constitution of Arizona.
26 Sec. 7. Section 16-206, Arizona Revised Statutes, is amended to read:
27 16-206. Election day
28 A. The biennial primary election day on the ~~ninth~~ TENTH Tuesday before
29 the general election and the biennial general election day on the first
30 Tuesday after the first Monday in November of every even-numbered year are
31 not legal holidays.
32 B. Every public officer or employee is entitled to absence from
33 service or employment for the purpose of voting pursuant to section 16-402 on
34 the biennial primary and general election days.
35 Sec. 8. Section 16-245, Arizona Revised Statutes, is amended to read:
36 16-245. Form and content of ballot
37 A. Ballots and ballot labels for the presidential preference election
38 shall be printed on different colored paper or white paper with a different
39 colored stripe for each party represented on the presidential preference
40 election ballot. Only one party may be represented on each ballot. At the
41 top shall be printed "official ballot of the _____ party,
42 presidential preference election (date), county of _____, state of
43 Arizona".
44 B. The order of the names of certified candidates on the ballot shall
45 be determined by lots drawn at a public meeting called by the secretary of

1 state for that purpose. Rotation of candidate names is prohibited. The
2 certified candidates shall be listed under the title "_____ party
3 candidates for president of the United States". Immediately below shall be
4 printed "vote for not more than one". The ballot may also contain printed
5 instructions to voters as prescribed for other elections.

6 C. The officer in charge of elections shall provide a sample ballot
7 proof to the state committee chairman of each qualified candidate's state
8 committee no later than five days after receipt of the certification from the
9 secretary of state.

10 D. The officer in charge of elections shall mail one sample ballot of
11 each party represented on the presidential preference election ballot to each
12 household that contains a registered voter of that political party UNLESS
13 THAT REGISTERED VOTER IS ON THE PERMANENT EARLY VOTING LIST ESTABLISHED
14 PURSUANT TO SECTION 16-544. The return address on the sample ballot mailer
15 shall not contain the name of any elected or appointed official, and the name
16 of an appointed or elected official shall not be used to indicate who
17 produced the sample ballot.

18 E. The mailing face of each sample ballot shall be imprinted with the
19 great seal of the state of Arizona with the words "official voting
20 materials---presidential preference election". The polling place for that
21 household may also be designated on the mailing face of the sample ballot.

22 Sec. 9. Section 16-312, Arizona Revised Statutes, is amended to read:
23 16-312. Filing of nomination papers for write-in candidates

24 A. Any person desiring to become a write-in candidate for an elective
25 office in any election shall file a nomination paper, signed by the
26 candidate, giving the person's actual residence address or description of
27 place of residence and post office address, age, length of residence in the
28 state and date of birth.

29 B. A write-in candidate shall file the nomination paper not later than
30 5:00 p.m. on the fortieth day prior to the election, except that:

31 1. A candidate running as a write-in candidate as provided in section
32 16-343, subsection D shall file the nomination paper not later than 5:00 p.m.
33 on the fifth day before the election.

34 2. A candidate running as a write-in candidate for an election that
35 may be canceled pursuant to ~~sections~~ SECTION 15-424, 15-1442, 16-822, 48-802,
36 48-1012, 48-1208, 48-1404, 48-1908, 48-2010, 48-2107 or 48-2208 shall file
37 the nomination paper not later than 5:00 p.m. on the seventy-sixth day before
38 the election.

39 C. The write-in filing procedure shall be in the same manner as
40 prescribed in section 16-311. Any person who does not file a timely
41 nomination paper shall not be counted in the tally of ballots. The filing
42 officer shall not accept the nomination paper of a candidate for state or
43 local office unless the candidate provides or has provided both of the
44 following:

1 1. A political committee statement of organization or the five hundred
2 dollar threshold exemption statement for that office.

3 2. The financial disclosure statement as prescribed for candidates for
4 that office.

5 D. The secretary of state shall notify the various boards of
6 supervisors as to write-in candidates filing with the secretary of state's
7 office. The county school superintendent shall notify the appropriate board
8 of supervisors as to write-in candidates filing with the superintendent's
9 office. The board of supervisors shall notify the appropriate election board
10 inspector of all candidates who have properly filed such statements. In the
11 case of a city or town election, the city or town clerk shall notify the
12 appropriate election board inspector of candidates properly filed. No other
13 write-ins shall be counted. The election board inspector shall post the
14 notice of official write-in candidates in a conspicuous location within the
15 polling place.

16 E. Except as provided in section 16-343, subsection E, a candidate may
17 not file pursuant to this section if any of the following applies:

18 1. For a candidate in the general election, the candidate ran in the
19 immediately preceding primary election and failed to be nominated to the
20 office sought in the current election.

21 2. For a candidate in the general election, the candidate filed a
22 nomination petition for the immediately preceding primary election for the
23 office sought and failed to provide a sufficient number of valid petition
24 signatures as prescribed by section 16-322.

25 3. For a candidate in the primary election, the candidate filed a
26 nomination petition for the current primary election for the office sought
27 and failed to provide a sufficient number of valid petition signatures as
28 prescribed by section 16-322.

29 4. For a candidate in the general election, the candidate filed a
30 nomination petition for nomination other than by primary for the office
31 sought and failed to provide a sufficient number of valid petition signatures
32 as prescribed by section 16-341.

33 F. A person who files a nomination paper pursuant to this section for
34 the office of president of the United States shall designate in writing to
35 the secretary of state at the time of filing the name of the candidate's
36 vice-presidential running mate, the names of presidential electors who will
37 represent that candidate and a statement signed by the vice-presidential
38 running mate and designated presidential electors that indicates their
39 consent to be designated. A nomination paper for each presidential elector
40 designated shall be filed with the candidate's nomination paper. The number
41 of presidential electors shall equal the number of United States senators and
42 representatives in Congress from this state.

1 Sec. 10. Section 16-461, Arizona Revised Statutes, is amended to read:

2 16-461. Sample primary election ballots: submission to party
3 chairmen for examination: preparation, printing and
4 distribution of ballot

5 A. At least forty-five days before a primary election, the officer in
6 charge of that election shall:

7 1. Prepare a proof of a sample ballot.

8 2. Submit the sample ballot proof of each party to the county chairman
9 or in city or town primaries to the city or town chairman.

10 3. Mail a sample ballot proof to each candidate for whom a nomination
11 paper and petitions have been filed.

12 B. Within five days after receipt of the sample ballot, the county
13 chairman of each political party shall suggest to the election officer any
14 change the chairman considers should be made in the chairman's party ballot,
15 and if upon examination the election officer finds an error or omission in
16 the ballot the officer shall correct it. The election officer shall cause
17 the sample ballots to be printed and distributed as required by law, shall
18 maintain a copy of each sample ballot and shall post a notice indicating that
19 sample ballots are available on request. The official sample ballot shall be
20 printed on colored paper or white paper with a different colored stripe for
21 each party that is represented on that ballot. For voters who are not
22 registered with a party that is entitled to continued representation on the
23 ballot pursuant to section 16-804, the election officer may print and
24 distribute the required sample ballots in an alternative format, including a
25 reduced size format.

26 C. Not later than forty days before a primary election, the county
27 chairman of a political party may request one sample primary election ballot
28 of the chairman's party for each election precinct.

29 D. The board of supervisors shall have printed mailer-type sample
30 ballots for a primary election and shall mail at least eleven days before the
31 election one sample ballot of a political party to each household containing
32 a registered voter of that political party UNLESS THAT REGISTERED VOTER IS ON
33 THE PERMANENT EARLY VOTING LIST ESTABLISHED PURSUANT TO SECTION 16-544. Each
34 sample ballot shall contain the following statement: "This is a sample
35 ballot and cannot be used as an official ballot under any circumstances". A
36 certified claim shall be presented to the secretary of state by the board of
37 supervisors for the actual cost of printing, labeling and postage of each
38 sample ballot actually mailed, and the secretary of state shall direct
39 payment of the authenticated claim from funds of the secretary of state's
40 office.

41 E. For city and town elections, the governing body of a city or town
42 may have printed mailer-type sample ballots for a primary election. If the
43 city or town has printed such sample ballots, the city or town shall provide
44 for the distribution of such ballots and shall bear the expense of printing
45 and distribution of such sample ballots.

1 F. The return address on the mailer-type sample ballots shall not
2 contain the name of an appointed or elected public officer nor may the name
3 of an appointed or elected public officer be used to indicate who produced
4 the sample ballot.

5 G. The great seal of the state of Arizona shall be imprinted along
6 with the words "official voting materials" on the mailing face of each sample
7 ballot. In county, city or town elections the seal of such jurisdiction
8 shall be substituted for the state seal.

9 Sec. 11. Section 16-510, Arizona Revised Statutes, is amended to read:
10 16-510. Sample ballots; preparation and distribution

11 A. Before printing the sample ballots for the general election the
12 board of supervisors shall send to each candidate whose name did not appear
13 on the preceding primary election ballot a ballot proof of the sample ballot
14 for the candidate's review.

15 B. The board of supervisors shall print and distribute, for the
16 information of voters at each polling place, a number of sample ballots as it
17 deems necessary.

18 C. The board of supervisors shall have printed mailer-type sample
19 ballots for a general election and shall mail at least eleven days before the
20 election one such sample ballot to each household in the county containing a
21 registered voter UNLESS THAT REGISTERED VOTER IS ON THE PERMANENT EARLY
22 VOTING LIST ESTABLISHED PURSUANT TO SECTION 16-544. Each sample ballot shall
23 contain the following statement: "This is a sample ballot and cannot be used
24 as an official ballot under any circumstances". A certified claim shall be
25 presented to the secretary of state by the board of supervisors for the
26 actual cost of printing, labeling and postage of each such sample ballot
27 actually mailed, and the secretary of state shall direct payment of such
28 authenticated claim from funds of his office.

29 D. For city and town elections, the governing body of a city or town
30 may have printed mailer-type sample ballots for a general election. If the
31 city or town has printed such sample ballots, the city or town shall provide
32 for the distribution of such ballots and shall bear the expense of printing
33 and distributing such sample ballots.

34 E. For special district elections, the governing body of a special
35 district may have printed mailer-type sample ballots. If the special
36 district has printed such sample ballots, the special district shall provide
37 for the distribution of such ballots and shall bear the expense of printing
38 and distributing such sample ballots.

39 Sec. 12. Section 16-542, Arizona Revised Statutes, is amended to read:
40 16-542. Request for ballot

41 A. Within ninety-three days before any election called pursuant to the
42 laws of this state, an elector may make a verbal or signed request to the
43 county recorder, or other officer in charge of elections for the applicable
44 political subdivision of this state in whose jurisdiction the elector is
45 registered to vote, for an official early ballot. In addition to name and

1 address, the requesting elector shall provide the date of birth and state or
 2 country of birth or other information that if compared to the voter
 3 registration information on file would confirm the identity of the elector.
 4 If the request indicates that the elector needs a primary election ballot and
 5 a general election ballot, the county recorder or other officer in charge of
 6 elections shall honor the request. For any partisan primary election, if the
 7 elector is not registered as a member of a political party that is entitled
 8 to continued representation on the ballot pursuant to section 16-804, the
 9 elector shall designate the ballot of only one of the political parties that
 10 is entitled to continued representation on the ballot and the elector may
 11 receive and vote the ballot of only that one political party. The county
 12 recorder may establish on-site early voting locations at the recorder's
 13 office, which shall be open and available for use beginning the same day that
 14 a county begins to send out the early ballots. The county recorder may also
 15 establish any other early voting locations in the county the recorder deems
 16 necessary.

17 B. Notwithstanding subsection A of this section, a request for an
 18 official early ballot from an absent uniformed services voter or overseas
 19 voter as defined in the uniformed and overseas citizens absentee voting act
 20 of 1986 (P.L. 99-410; 42 United States Code section 1973ff-6) or a voter
 21 whose information is protected pursuant to section 16-153 that is received by
 22 the county recorder or other officer in charge of elections more than
 23 ninety-three days before the election is valid. If requested by the absent
 24 uniformed services or overseas voter, or a voter whose information is
 25 protected pursuant to section 16-153, the county recorder or other officer in
 26 charge of elections shall provide to the requesting voter early ballot
 27 materials through the next two regularly scheduled general elections for
 28 federal office immediately following receipt of the request.

29 C. The county recorder or other officer in charge of elections shall
 30 mail the early ballot and the envelope for its return postage prepaid to the
 31 address provided by the requesting elector within five days after receipt of
 32 the official early ballots from the officer charged by law with the duty of
 33 preparing ballots pursuant to section 16-545, EXCEPT THAT EARLY BALLOT
 34 DISTRIBUTION SHALL NOT BEGIN MORE THAN TWENTY-SIX DAYS BEFORE THE ELECTION.
 35 ALL EARLY BALLOT REQUESTS RECEIVED ON OR BEFORE THE THIRTIETH DAY BEFORE THE
 36 ELECTION SHALL BE DISTRIBUTED ON THE TWENTY-SIXTH DAY BEFORE THE ELECTION.

37 D. Only the elector may be in possession of that elector's unvoted
 38 early ballot. If a complete and correct request is made by the elector
 39 within twenty-six days before the election, the mailing must be made within
 40 forty-eight hours after receipt of the request. Saturdays, Sundays and other
 41 legal holidays are excluded from the computation of the forty-eight hour
 42 period prescribed by this subsection. If a complete and correct request is
 43 made by an absent uniformed services voter or an overseas voter before the
 44 election, the regular early ballot shall be transmitted by mail, by fax or by
 45 other electronic format approved by the secretary of state within twenty-four

1 hours after the early ballots are delivered pursuant to section 16-545,
2 subsection B, excluding Sundays.

3 E. In order to be complete and correct and to receive an early ballot
4 by mail, an elector's request that an early ballot be mailed to the elector's
5 residence or temporary address must include all of the information prescribed
6 by subsection A of this section and must be received by the county recorder
7 or other officer in charge of elections no later than 5:00 p.m. on the
8 eleventh day preceding the election. An elector who appears personally no
9 later than 5:00 p.m. on the Friday preceding the election at an on-site early
10 voting location that is established by the county recorder or other officer
11 in charge of elections shall be given a ballot and permitted to vote at the
12 on-site location. If an elector's request to receive an early ballot is not
13 complete and correct but complies with all other requirements of this
14 section, the county recorder or other officer in charge of elections shall
15 attempt to notify the elector of the deficiency of the request.

16 F. Unless an elector specifies that the address to which an early
17 ballot is to be sent is a temporary address, the recorder may use the
18 information from an early ballot request form to update voter registration
19 records.

20 G. The county recorder or other officer in charge of early balloting
21 shall provide an alphabetized list of all voters in the precinct who have
22 requested and have been sent an early ballot to the election board of the
23 precinct in which the voter is registered not later than the day prior to the
24 election.

25 H. As a result of an emergency occurring between 5:00 p.m. on the
26 second Friday preceding the election and 5:00 p.m. on the Monday preceding
27 the election, qualified electors may request to vote early in the manner
28 prescribed by the county recorder of their respective county. For the
29 purposes of this subsection, "emergency" means any unforeseen circumstances
30 that would prevent the elector from voting at the polls.

31 I. A candidate or political committee may distribute early ballot
32 request forms to voters. If the early ballot request forms include a printed
33 address for return to an addressee other than a political subdivision, the
34 addressee shall be the candidate or political committee that paid for the
35 printing and distribution of the request forms. All early ballot request
36 forms that are received by a candidate or political committee shall be
37 transmitted as soon as practicable to the political subdivision that will
38 conduct the election.

39 Sec. 13. Section 16-558.01, Arizona Revised Statutes, is amended to
40 read:

41 16-558.01. Mailing of ballots

42 Not more than ~~thirty-three~~ TWENTY-SIX days before the election and not
43 fewer than fifteen days before the election, the county recorder or other
44 officer in charge of elections for the special district shall send by
45 nonforwardable mail all official ballots with printed instructions and a

1 return envelope bearing a printed ballot affidavit as described in section
 2 16-547 to each qualified elector entitled to vote in the election. The
 3 envelope in which the ballot is mailed shall be clearly marked with the
 4 statement required by the postmaster to receive an address correction and
 5 notification. The district governing board shall determine whether the voter
 6 or the district governing board will pay for the postage for the return of
 7 electors' marked ballots. An elector who votes in a special district mail
 8 ballot election shall return the elector's marked ballot to the recorder or
 9 other officer in charge of the election or to a designated depository site as
 10 provided in section 16-411 no later than 7:00 p.m. on the day of the
 11 election.

12 Sec. 14. Section 16-602, Arizona Revised Statutes, is amended to read:

13 16-602. Removal of ballots from ballot boxes; disposition of
 14 ballots folded together or excessive ballots;
 15 designated margin; hand counts; vote count
 16 verification committee

17 A. The ballots cast in the election shall first be removed from the
 18 ballot box and counted without being opened, except as may be necessary to
 19 ascertain that the number of ballots cast corresponds with the number of
 20 names on the poll lists. For any primary or general election in which the
 21 votes are cast on an electronic voting machine or tabulator, the election
 22 judge shall compare the number of votes cast as indicated on the machine or
 23 tabulator with the number of votes cast as indicated on the poll list and the
 24 number of provisional ballots cast and that information shall be noted in a
 25 written report prepared and submitted to the officer in charge of elections
 26 along with other tally reports.

27 B. If two or more ballots are found folded together appearing as a
 28 single ballot, they shall be laid aside until the count of the ballots is
 29 completed. If it then appears by comparison of the count with the number of
 30 names on the poll lists that the ballots thus folded together were cast by
 31 one elector, they shall be destroyed. If the ballots in the box are still
 32 found to exceed in number the names on the poll lists, the ballots, except
 33 those destroyed, shall be replaced in the box, and one of the judges, without
 34 looking in the box, shall draw therefrom, one at a time, and destroy
 35 unopened, a number of ballots equal to the excess, and the election board
 36 shall record on the poll lists the number of ballots so destroyed and shall
 37 then sign the poll list.

38 C. For each countywide primary, general and presidential preference
 39 election, the county officer in charge of the election shall conduct a hand
 40 count at ~~the central counting center~~ ONE OR MORE SECURE FACILITIES. THE HAND
 41 COUNT IS NOT SUBJECT TO THE LIVE VIDEO REQUIREMENTS OF SECTION 16-621,
 42 SUBSECTION C, BUT THE PARTY REPRESENTATIVES WHO ARE OBSERVING THE HAND COUNT
 43 MAY BRING THEIR OWN VIDEO CAMERAS IN ORDER TO RECORD THE HAND COUNT. THE
 44 RECORDING SHALL NOT INTERFERE WITH THE CONDUCT OF THE HAND COUNT AND THE
 45 OFFICER IN CHARGE OF THE ELECTION MAY PROHIBIT FROM RECORDING OR REMOVE FROM

1 THE FACILITY PERSONS WHO ARE TAKING ACTIONS TO DISRUPT THE COUNT. THE SOLE
2 ACT OF RECORDING THE HAND COUNT DOES NOT CONSTITUTE SUFFICIENT GROUNDS FOR
3 THE OFFICER IN CHARGE OF THE ELECTION TO PROHIBIT OBSERVERS FROM RECORDING OR
4 TO REMOVE THEM FROM THE FACILITY. THE HAND COUNT SHALL BE CONDUCTED in the
5 following order:

6 1. At least two per cent of the precincts in that county, or two
7 precincts, whichever is greater, shall be selected at random from a pool
8 consisting of every precinct in that county. The county political party
9 chairman for each political party that is entitled to continued
10 representation on the state ballot or the chairman's designee shall conduct
11 the selection of the precincts to be hand counted. The precincts shall be
12 selected by lot without the use of a computer, and the order of selection by
13 the county political party chairmen shall also be by lot. The selection of
14 the precincts shall not begin until all ballots voted in the precinct polling
15 places have been delivered to the central counting center. The unofficial
16 vote totals from all precincts shall be made public before selecting the
17 precincts to be hand counted. Only the ballots cast in the polling places
18 and ballots from direct recording electronic machines shall be included in
19 the hand counts conducted pursuant to this section. Provisional ballots,
20 conditional provisional ballots and write-in votes shall not be included in
21 the hand counts and the early ballots shall be grouped separately by the
22 officer in charge of elections for purposes of a separate manual audit
23 pursuant to subsection G of this section.

24 2. The races to be counted on the ballots from the precincts that were
25 selected pursuant to paragraph 1 of this subsection for each primary and
26 general election shall include up to five contested races. After the county
27 recorder or other officer in charge of elections separates the primary
28 ballots by political party, the races to be counted shall be determined by
29 selecting by lot without the use of a computer from those ballots as follows:

30 (a) For a general election, one statewide ballot measure, unless there
31 are no measures on the ballot.

32 (b) One contested statewide race for statewide office.

33 (c) One contested race for federal office, either United States senate
34 or United States house of representatives. If the United States house of
35 representatives race is selected, the names of the candidates may vary among
36 the sampled precincts.

37 (d) One contested race for state legislative office, either state
38 house of representatives or state senate. In either case, the names of the
39 candidates may vary among the sampled precincts.

40 (e) If there are fewer than four contested races resulting from the
41 selections made pursuant to subdivisions (a) through (d) and if there are
42 additional contested federal, statewide or legislative races or ballot
43 measures, additional contested races shall be selected by lot not using a
44 computer until four races have been selected or until no additional contested

1 federal, statewide or legislative races or ballot measures are available for
2 selection.

3 (f) If there are no contested races as prescribed by this paragraph, a
4 hand count shall not be conducted for that precinct for that election.

5 3. For the presidential preference election, select by lot two per
6 cent of the polling places designated and used pursuant to section 16-248 and
7 perform the hand count of those ballots.

8 4. For the purposes of this section, a write-in candidacy in a race
9 does not constitute a contested race.

10 5. In elections in which there are candidates for president, the
11 presidential race shall be added to the four categories of hand counted
12 races.

13 6. Each county chairman of a political party that is entitled to
14 continued representation on the state ballot or the chairman's designee shall
15 select by lot the individual races to be hand counted pursuant to this
16 section.

17 7. The county chairman of each political party shall designate and
18 provide the number of election board members as designated by the county
19 officer in charge of elections who shall perform the hand count under the
20 supervision of the county officer in charge of elections. For each precinct
21 that is to be audited, the county chairmen shall designate at least two board
22 workers who are registered members of any or no political party to assist
23 with the audit. Any qualified elector from this state may be a board worker
24 without regard to party designation. The county election officer shall
25 provide for compensation for those board workers, not to include travel, meal
26 or lodging expenses. If there are less than two persons for each audited
27 precinct available to participate on behalf of each recognized political
28 party, the recorder or officer in charge of elections, with the approval of
29 at least two county party chairpersons in the county in which the shortfall
30 occurs, shall substitute additional individual electors who are provided by
31 any political party from anywhere in the state without regard to party
32 designation to conduct the hand count. A county party chairman shall approve
33 only those substitute electors who are provided by the county chairman's
34 political party. The political parties shall provide to the recorder or
35 officer in charge of elections in writing the names of those persons
36 intending to participate in the hand count at the audited precincts not later
37 than 5:00 p.m. on the Tuesday preceding the election. If the total number of
38 board workers provided by all parties is less than four times the number of
39 precincts to be audited, the recorder or officer in charge of elections shall
40 notify the parties of the shortage by 9:00 a.m. on the Wednesday preceding
41 the election. The hand count shall not proceed unless the political parties
42 provide the recorder or officer in charge of elections, in writing, a
43 sufficient number of persons by 5:00 p.m. on the Thursday preceding the
44 election and a sufficient number of persons, pursuant to this paragraph,
45 arrive to perform the hand count. The recorder or officer in charge of

1 elections may prohibit persons from participating in the hand count if they
2 are taking actions to disrupt the count or are unable to perform the duties
3 as assigned. For the hand count to proceed, no more than seventy-five per
4 cent of the persons performing the hand count shall be from the same
5 political party.

6 8. If a political party is not represented by a designated chairperson
7 within a county, the state chairperson for that political party, or a person
8 designated by the state chairperson, may perform the actions required by the
9 county chairperson as specified in this section.

10 D. If the randomly selected races result in a difference in any race
11 that is less than the designated margin when compared to the electronic
12 tabulation of those same ballots, the results of the electronic tabulation
13 constitute the official count for that race. If the randomly selected races
14 result in a difference in any race that is equal to or greater than the
15 designated margin when compared to the electronic tabulation of those same
16 ballots, a second hand count of those same ballots and races shall be
17 performed. If the second hand count results in a difference in any race that
18 is less than the designated margin when compared to the electronic tabulation
19 for those same ballots, the electronic tabulation constitutes the official
20 count for that race. If the second hand count results in a difference in any
21 race that is equal to or greater than the designated margin when compared to
22 the electronic tabulation for those same ballots, the hand count shall be
23 expanded to include a total of twice the original number of randomly selected
24 precincts. Those additional precincts shall be selected by lot without the
25 use of a computer.

26 E. In any expanded count of randomly selected precincts, if the
27 randomly selected precinct hand counts result in a difference in any race
28 that is equal to or greater than the designated margin when compared to the
29 electronic tabulation of those same ballots, the final hand count shall be
30 extended to include the entire jurisdiction for that race. If the
31 jurisdictional boundary for that race would include any portion of more than
32 one county, the final hand count shall not be extended into the precincts of
33 that race that are outside of the county that is conducting the expanded hand
34 count. If the expanded hand count results in a difference in that race that
35 is less than the designated margin when compared to the electronic tabulation
36 of those same ballots, the electronic tabulation constitutes the official
37 count for that race.

38 F. If a final hand count is performed for an entire jurisdiction for a
39 race, the final hand count shall be repeated for that race until a hand count
40 for that race for the entire jurisdiction results in a count that is
41 identical to one other hand count for that race for the entire jurisdiction
42 and that hand count constitutes the official count for that race.

43 G. After the electronic tabulation of early ballots and at one or more
44 times selected by the chairman of the political parties entitled to continued
45 representation on the ballot or the chairman's designee, the chairmen or the

1 chairmen's designees shall randomly select one or more batches of early
2 ballots that have been tabulated to include at least one batch from each
3 machine used for tabulating early ballots and those ballots shall be securely
4 sequestered by the county recorder or officer in charge of elections along
5 with their unofficial tally reports for a postelection manual audit. The
6 chairmen or the chairmen's designees shall randomly select from those
7 sequestered early ballots a number equal to one per cent of the total number
8 of early ballots cast or five thousand early ballots, whichever is less.
9 From those randomly selected early ballots, the county officer in charge of
10 elections shall conduct a manual audit of the same races that are being hand
11 counted pursuant to subsection C of this section. If the manual audit of the
12 early ballots results in a difference in any race that is equal to or greater
13 than the designated margin when compared to the electronically tabulated
14 results for those same early ballots, the manual audit shall be repeated for
15 those same early ballots. If the second manual audit results in a difference
16 in that race that is equal to or greater than the designated margin when
17 compared to the electronically tabulated results for those same early
18 ballots, the manual audit shall be expanded only for that race to a number of
19 additional early ballots equal to one per cent of the total early ballots
20 cast or an additional five thousand ballots, whichever is less, to be
21 randomly selected from the batch or batches of sequestered early ballots. If
22 the expanded early ballot manual audit results in a difference for that race
23 that is equal to or greater than the designated margin when compared to any
24 of the earlier manual counts for that race, the manual counts shall be
25 repeated for that race until a manual count results in a difference in that
26 race that is less than the designated margin. If at any point in the manual
27 audit of early ballots the difference between any manual count of early
28 ballots is less than the designated margin when compared to the electronic
29 tabulation of those ballots, the electronic tabulation shall be included in
30 the canvass and no further manual audit of the early ballots shall be
31 conducted.

32 H. During any hand count of early ballots, the county officer in
33 charge of elections and election board workers shall attempt to determine the
34 intent of the voter in casting the ballot.

35 I. Notwithstanding any other law, the county officer in charge of
36 elections shall retain custody of the ballots for purposes of performing any
37 required hand counts and the officer shall provide for security for those
38 ballots.

39 J. The hand counts prescribed by this section shall begin within
40 twenty-four hours after the closing of the polls and shall be completed
41 before the canvassing of the election for that county. The results of those
42 hand counts shall be provided to the secretary of state, who shall make those
43 results publicly available on the secretary of state's web site.

44 K. For any county in which a hand count has been expanded to all
45 precincts in the jurisdiction, the secretary of state shall make available

1 the escrowed source code for that county to the superior court. The superior
2 court shall appoint a special master to review the computer software. The
3 special master shall have expertise in software engineering and shall not be
4 affiliated with an election software vendor nor with a candidate and shall
5 sign and be bound by a nondisclosure agreement regarding the source code
6 itself, and shall issue a public report to the court and to the secretary of
7 state regarding the special master's findings on the reasons for the
8 discrepancies. The secretary of state shall consider the reports for
9 purposes of reviewing the certification of that equipment and software for
10 use in this state.

11 L. The vote count verification committee is established in the office
12 of the secretary of state and all of the following apply:

13 1. At least thirty days before the 2006 primary election, the
14 secretary of state shall appoint seven persons to the committee, no more than
15 three of whom are members of the same political party.

16 2. Members of the committee shall have expertise in any two or more of
17 the areas of advanced mathematics, statistics, random selection methods,
18 systems operations or voting systems.

19 3. A person is not eligible to be a committee member if that person
20 has been affiliated with or received any income in the preceding five years
21 from any person or entity that provides election equipment or services in
22 this state.

23 4. The vote count verification committee shall meet and establish one
24 or more designated margins to be used in reviewing the hand counting of votes
25 as required pursuant to this section. The committee shall review and
26 consider revising the designated margins every two years for use in the
27 applicable elections. The committee shall provide the designated margins to
28 the secretary of state at least ten days before the primary election and at
29 least ten days before the general election, and the secretary of state shall
30 make that information publicly available on the secretary of state's web
31 site.

32 5. Members of the vote count verification committee are not eligible
33 to receive compensation but are eligible for reimbursement of expenses
34 pursuant to title 38, chapter 4, article 2. The committee is a public body
35 and its meetings are subject to title 38, chapter 3, article 3.1 and its
36 reports and records are subject to title 39, chapter 1.

37 Sec. 15. Section 19-201, Arizona Revised Statutes, is amended to read:
38 19-201. Officers subject to recall; number of petitioners

39 A. Every public officer holding an elective office, either by
40 election, appointment or retention, is subject to recall from such office by
41 the qualified electors of the electoral district from which candidates are
42 elected to that office. Such electoral district may include the whole state.
43 A number of qualified electors equaling twenty-five per cent of the number of
44 votes cast at the last preceding general election for all the candidates for
45 the office held by the officer, even if the officer was not elected at that

1 election, divided by the number of offices that were being filled at that
2 election ~~may~~, by recall petition, MAY demand ~~his~~ THE OFFICER'S recall.

3 B. In the case of a public officer holding office in a newly created
4 division or district of an elective office, either by election or
5 appointment, a number of qualified electors equaling twenty-five per cent of
6 the number of votes cast at the last preceding general election for all those
7 who were candidates for other divisions or districts of the same office held
8 by the officer in that county or city divided by the number of offices that
9 were being filled at that election ~~may~~, by recall petition, MAY demand ~~his~~
10 THE OFFICER'S recall.

11 C. If the elective officer to be recalled was appointed to the office
12 or was deemed elected after an election was canceled due to the absence of
13 opposing candidates as provided in section 15-424, 15-1442, 16-822, 48-802,
14 48-1012, 48-1208, 48-1404, 48-1908, 48-2010, 48-2107 or 48-2208, the recall
15 petition must be signed by the number of qualified electors that is equal to
16 at least ten per cent of the number of active registered voters in the
17 jurisdiction or district represented by that elective officer as determined
18 on the date of the last general election.

19 Sec. 16. Candidate petitions; changes; applicability

20 Notwithstanding any other law, the changes made by this act to the date
21 of the primary election shall not invalidate petitions lawfully printed and
22 circulated before the effective date of this act or lawfully printed before,
23 but circulated after, the effective date of this act.

APPROVED BY THE GOVERNOR JULY 13, 2009.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JULY 13, 2009.